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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,579	02/12/2004	George Jordan	JORDAN01	6001

28160 7590 03/07/2007  
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SHELBURNE, VT 05482-7495

EXAMINER
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FELTON, MICHAEL J

ART UNIT	PAPER NUMBER
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1731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/777,579

Applicant(s)

IORDAN, GEORGE

Examiner

Michael J. Felton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/07/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the location of the piezoelectric ignition device extending into the combustion chamber and its location in reference to the bowl and mouth piece pipe must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Arguments***

1. Applicant's arguments filed 12/7/2006 have been fully considered but they are not persuasive. The ignition of Fulton, as shown in figure 1, is located partially above the mouthpiece pipe as well as extending below the bowl (see area around element 9 as well as element 8). Therefore, Fulton meets the conditions of claim one as far as the location of the ignition source.
2. In response to applicant's argument that Tucker teaches away from the applicant's invention, the invention of Tucker is being used to merely show that other types of ignition sources have been used on pipes, not the location of the ignition source. The specific advantages or disadvantages of the location of Tucker's ignition source are not material to the obvious combination of substituting Tucker's ignition source in the pipe of Fulton.

***Claim Rejections - 35 USC § 103***

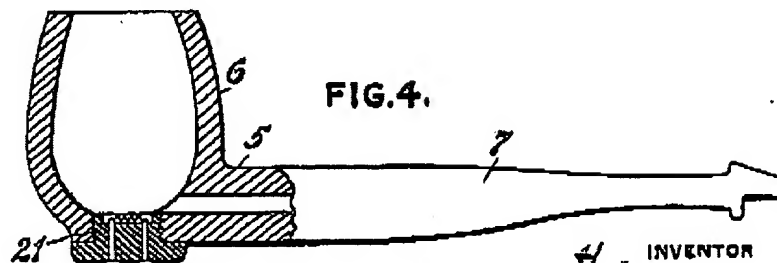
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,157,771 to Fulton in view of 3,698,400 to Tucker.

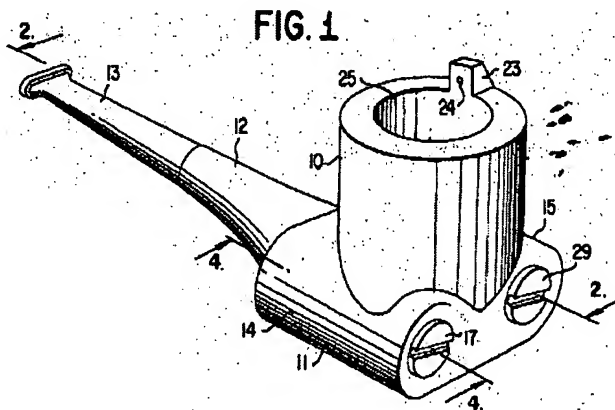
Regarding applicant claim 1, Fulton discloses a smoking device comprising a combustion chamber bowl (figure 4, element 6) for containing combustible materials to be burned and a mouthpiece pipe (5) communicating with the combustion chamber. Although Fulton discloses an

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ignition means below the bowl (element 21 or column 1, line 51-55) he does not disclose a piezoelectric ignition device.



Tucker discloses a piezoelectric ignition device as part of a smoking device (column 4, lines 9-15). Although Tucker employs the same type of device to start ignition as the instant application, Tucker's piezoelectric ignition system is located at the top of combustion chamber (figure 1, element 24).



Fulton and Tucker are analogous art because they are both pipes for smoking tobacco or other organic matter. At the time of invention it would have been obvious to a person of ordinary skill in the art to combine the ignition means from below the bowl in Fulton with the piezoelectric method of ignition in Tucker. The motivation for moving Tucker's piezoelectric ignition device to below the bowl is disclosed in Fulton. Fulton suggests (column 1, lines 9-26) that igniting tobacco from the bottom prevents fouling of the pipe as the combustion by products do not travel through unconsumed tobacco. Therefore, it would have been obvious to combine Fulton with Tucker to obtain the invention as specified in claim 1.

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Regarding applicant claim 5, Tucker discloses a piezoelectric ignition device that includes a fuel tank for gaseous fuel (column 3, lines 8-18). Located behind element 29 in figure 1 above.

Regarding applicant claim 7, Tucker discloses a removable cover for the fuel tank (column 3, line 11-15, and element 29 in figure 1).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,157,771 to Fulton in view of 3,698,400 to Tucker as applied to claim 1 above, and further in view of US 3863647 to Unger. Fulton and Tucker do not disclose combustion chamber bowls or mouthpieces formed of metal. Unger discloses that a smoking device with a combustion chamber bowl and mouthpiece pipe made of metal (column 1, lines 41-55). Unger further discloses particular aluminum alloys for use in making the bowl and mouthpiece pipe (column 3, lines 41-43). The motivation for making the pipe components of Fulton and Tucker out of metal is disclosed in Unger. Unger suggests (column 1, lines 10-39) that traditional wood bowls and pipes tend to accumulate tars along their surface and in their porous internal structures making them difficult to clean. Unger also suggests that making a pipe of metal is cost efficient and produces a lightweight smoking device, which is particularly true of aluminum. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Fulton, Tucker and Unger to obtain the invention as specified in claim 2 and 3.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,157,771 to Fulton in view of 3,698,400 to Tucker as applied to claim 1 above and further in view of US Published Application 20020069886 to Couch. Fulton and Tucker do not disclose a smoking device with a combustion chamber bowl and mouthpiece pipe formed from metal or stainless steel. Couch discloses a smoking device with a bowl and a mouthpiece pipe constructed of stainless steel (paragraph 007). The motivation for making the smoking device components from stainless steel is disclosed in Couch. Couch suggests that stainless steel enables the smoking device to be easy to clean, dishwasher safe, and able to be sterilized (paragraph 010) as well as sturdy and virtually unbreakable (paragraph 011). Therefore it would have been obvious to one

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of ordinary skill in the art at the time of invention to combine Fulton, Tucker, and Couch to obtain the invention as specified in claim 2 and 4.

Claim 6 is as being unpatentable over US 1,157,771 to Fulton in view of 3,698,400 to Tucker as applied to claim 1 above, and further in view of US 3,079,927 to Fassbender. Fulton and Tucker do not disclose a removable bowl and mouthpiece pipe. Fassbender discloses a smoking device that can be disassembled so that the bowl and mouthpiece pipe are removable (column, lines 10-14). The motivation to make a smoking device in which the bowl and mouthpiece pipe are removable is disclosed in Fassbender. Fassbender indicates that detachably connecting pipe components is desired so that they can be rapidly disassembled for any reason (column, lines 10-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Fulton, Tucker, and Fassbender to obtain the invention as specified in claim 4.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Felton whose telephone number is 571-272-

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4805. The examiner can normally be reached on Monday to Friday, 7:30 AM to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJF

  
ERIC HUG  
PRIMARY EXAMINER